Case 06-45922	Doc 87	Filed 07/09/12	Entered 07/11/12 14:37:37	Main Document
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UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MISSOURI

2012 JUN 18 AM 10: 27

In Me: Michael J. Barbar	Case No. 06-459 2 CLERK. US BANKRUPTCY COURT EASTERN DISTRICT ST. LOUIS. MISSOURI-MR Chapter: 13
j	APPLICATION FOR PAYMENT FROM UNCLAIMED FUNDS
Debtor(s)	
The undersigned, Latoya M. Milbur	, applies to this Court for entry of
an order directing the Clerk of the Court to remit to	o the applicant the sum of \$ 3409.59
, said funds having been deposited into the Treasu	ry of the United States pursuant to order of this
Court as unclaimed funds for creditor B-Live, L	<u></u>
Applicant further states that:	g g a
1. (Indicate one of the following items:)	EASTE AND BA
	named in the order depositing funds the lication for this claim has been submitted by or at
as the creditor in the order deposit all records of the creditor and state	oresentative for the business or corpolation named ing funds into the Court. Applicant has reviewed es that no other application for this claim has been his creditor. An Affidavit of Creditor is attached
Applicant has obtained an original the duly authorized representative creditor in the order depositing fun	s locator" who has been retained by the creditor. "power of attorney" from the individual creditor or for the business or corporation named as the ds into the Court. A Power of Attorney, ccy Form and an Affidavit of Creditor are attached
interest to the individual or busines funds into the Court. An original " Bankruptcy Form and/or other supp	r of the deceased creditor or a successor in as named as the creditor in the order depositing power of attorney" conforming to the official porting documents, including probate documents ent to this claim are attached and made a part of

2. Applicant has made sufficient inquiry and has no knowledge that this claim has been previously paid, that any other application for this claim is currently pending before this Court, or

Case 06-45922 Doc 87 Filed 07/09/12 Entered 07/11/12 14:37:37 Main Document Pg 2 of 13

that any party other than the applicant is entitled to submit an application for this claim.
3. Applicant has provided notice to the United States Attorney pursuant to 28 U.S.C.
Section 2042.
Respectfully submitted this 13 ⁺ⁿ day of Juke, 20 i
Cast Bay Funding ILC Clu Bline, ILC Name of Oreditor Signature of Applicant Probage of Alchored
ss #5479(last 4 digits)
Logal Strices Coordinator 15 South Man St. Ste. 700 Name and Title of Applicant Street Address
Company Name City, State and Zip Code
Greenville, SC 296030587
Telephone Number

UNITED STATES BANKRUPTCY COURT Eastern DISTRICT OF Missouri

In re: Michael J. Barbay		
•)	Case No. 06-45922
)	
)	Chapter: 13
)	
)	
•)	
Debtors	j	

AFFIDAVIT OF LATOYA MCDOWELL

I, LaToya McDowell, hereby declare as follows:

- 1. I am over the age of 18 years and not a party to the within action.
- I am a Legal Services Coordinator for Resurgent Capital Services. I am an authorized representative of Sherman Originator, LLC, Sherman Acquisition, LP, LVNV Funding, LLC, PYOD, LLC and Ashley Funding Services, LLC and East Bay Funding, LLC.
- 3. I am authorized to make this Affidavit on behalf of Creditor.
- 4. I am employed by the Creditor to file this petition on behalf of Resurgent Capital Services, Sherman Originator, LLC, Sherman Acquisition, LP, LVNV Funding, LLC, PYOD and Ashley Funding, East Bay Funding, LLC.

LaToya McDowell

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE

On <u>4/3</u>, 2012, before me Robin Underwood, personally appeared LaToya McDowell, personally known to me as the person whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the entity upon whose behalf he/she acted, executed the instrument.

Robin Underwood
Notary Public

Notary Public
My Commission Expires: 3/09/2019

FORM B10 (Official Form 10)(4/05) * ANY ATTACHMENTS MUST BE 8-1/2 X 11"			
UNITED STATES BANKRUPTCY		F MISSOURI DISTRICT OF MO	PROOF OF CLAIM
Name of Debtor MICHAEL J BARBAY Note: This form should not be used to me	Case Number 0645922 take a claim for an administrative expense arisi	ing offer the commencement of the case. A	
	ve expense may be filed pursuant to 11 U.S.C.		
Name of Creditor (The person or entity to PORTFOLIO ACQUISI' Name and address for: Correspondence: OSI Collection Services, Inc Bankruptcy Department P.O. Box 105127 Atlanta, GA 30348-5127 Telephone Number: 800-619-3419	Payments: OSI Collection Services, Inc P.O. BOX 947 Brookfield, WI 53008-0947	 □ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. □ Check box if you have never received any notices from the bankruptcy court in this case. ☑ Check box if the address differs from the address on the envelope sent to you by the court. 	THIS SPACE IS FOR COURT USE ONLY
Account or other number by which cre	ditor identifies debtor:	Check here if this claim: ☐ replace ☐ amends	es s a previously filed claim, dated:
1. Basis for Claim: ☐ Goods Sold ☐ Services performed ☐ Money loaned ☐ Personal injury/wrongful death ☐ Taxes ☐ Other		☐ Retiree benefits as described in ☐ Wages, salaries, and compensat Last four digits of SS #: ☐ Unpaid compensation for service from	tion (fill out below) ces performed
2. Date debt was incurred:	7/1/1995	3. If court judgement, date obtain	ined:
4. Total Amount of Claim at Time Case Filed: \$3,462.59 (unsecured) (secured) (priority) (Total) If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below. Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional			
charges. 5. Secured Claim		7 Unggovered Priority Claim	
☐ Check this box if your claim is secu Brief Description of Collateral: ☐Real Estate ☐ Motor Vehicle ☐Other		7. Unsecured Priority Claim ☐ Check this box if you have an unse Amount entitled to priority \$ Specify the priority of the claim: ☐ Wages, salaries, or commissions (u before filing of the bankruptcy business, whichever is earlier - 11	up to \$10,000) earned within 180 days petition or cessation of the debtor's
Amount of arrearage and other charges at time case filed included in secured claim, if any: \$		☐ Contributions to employee benefit☐ Up to \$2,225* of deposits toward p services for personal, family, or ho☐ Alimony, maintenance, or support	plan - U.S.C. \$507(a)(4). purchase, lease, or rental of property or ousehold use - 11 U.S.C. \$507(a)(6).
6. Unsecured Nonpriority Claim \$3,462.59 ☑ Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.		child – 11 U.S.C. §507(a)(7). Taxes or penalties owed to governmental units - 11 U.S.C. §507(a)(8). Other – Specify applicable paragraph of 11 U.S.C. §507(a)(). * Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment. Interim adjustment pursuant to Public Law No. 109-8, enacted 4/20/2005.	
8. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim 9. Supporting Documents: *Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.			
10. Date-Stamped Copy: To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.			
Date Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any)			
1/16/2007 Sintale & Raymond Kimberle Raymond Bankruptcy Analyst			
Penalty for presenting fraudulent cla			

Bankruptcy Department

P.O. Box 105127 Atlanta, Georgia 30348-5127 Telephone: 800-619-3419 Fax: 404-675-6536

1/16/2007

MICHAEL J BARBAY 6206 VICTORIA SAINT LOUIS, MO 63139-3128

STATEMENT OF ACCOUNT

Debtor's Name:

MICHAEL J BARBAY

Creditor:

PORTFOLIO ACQUISITIONS, LLC

Account Number:

0566

Original Creditor:

SOUTHWESTERN BELL d/b/a AT&T

Original Account Number:

5125

Write Off Date (Charge Off Date):

8/17/2005

Principal Balance:

\$3,462.59

Balance Due:

\$3,462.59

Interest Rate:

0 %



Account Detail		
Acct ID: 479015132	Portfolio ID: 17099	Account Status: Closed
Acct Number: D135	,	Collection Status:BKT

Account Balance	
Principal Balance: 3462.59	Cost Balance: 0.00
	Total Current Balance: 3462.59
Atty Balance: 0.00	

Collection Effort		
Last Letter Date:	Last Call Date:	Last Skip Date:

GLB	
This account has not been opted out.	

Cubs Data No CUBS data exists.

Additional Account Data		
Last Pmt Date: 6/29/2005*	Current Owner: East Bay Funding, LLC 🗡	Last Purchase Date:
Last Pmt Amt:	Total NSF and Rev Txns:	Last Purchase Amt:
Last NSF Amt:	Purchase Date: 11/8/2011	Net Pmt Amt:
Last NSF Date:	Out of Statute Date: 8/17/2009	Funding Date: 11/8/2011
Total Pmt Txns:	Date of first Delinq: 2/17/2005	Funding Source: East Bay
Chg Off Date: 8/17/2005		Misc Data 1:
Chg Off Balance:	Product Source: SOUTHWESTERN BELL D/B/A AT&T	Misc Data 2: 3146475985125
Orig Placement Balance: 3462.59	Original Merchant:	Misc Data 3: NCO Portfolio Management, Inc.
	CCA Proposed Pmt:	Misc Data 4: 6093
Origination Date: 7/1/1995	CCA Phone:	CCA Accepted Pmt:
Sold To SFG By: B-Line, LLC		
CCA Number:		
CCA Start Balance:		



Legal

Judgment and Law suit information can now be found on the Legal tab. Updates to the legal data will be handled by Inventory Management.

BILL OF SALE NO. 6

Each of the signatories hereto (each a "Seller"), for value received and pursuant to the terms and conditions of the Asset Purchase Agreement ("Agreement") dated September 23, 2011, as amended, among Sellers LSF5 B-Line Investments, LLC, B-Line, LLC, Roundup Funding, LLC, CR Evergreen, LLC, CR Evergreen II, LLC, Get Real Holdings, LLC, Avalon Financial Services, LLC, B-Real, LLC and Sherman Originator III LLC ("Purchaser") and Sherman Financial Group LLC, does hereby sell, assign and convey to Purchaser, its successor and assigns, all right, title and interest of Seller in and to those certain accounts listed in the data file named:

"B-Line Active 13"

"B-Line Medical Active Ch13"

a copy of which are attached hereto, to the extent each Seller is shown to own the applicable account, without recourse and without representation or warranty of any kind, except to the extent provided for within the Agreement. Capitalized terms used but not defined herein have the respective meanings assigned to thereto in the Agreement

EXECUTED this 8th day of November, 2011.

IN WITNESS WHEREOF, the Parties have executed this Bill of Sale as of the date first written above.

By: Missy Hubbell	B-LINE, LIC By Name Kyle Volluz
Title: vice President	Title Manager
ROUNDUP FUNDING, LLC	CR EVERGREEN, LLC
By:	By
Name:	Name:
Title:	Title:
CR EVERGREEN II, LLC	GET REAL HOUDINGS, LLC
Ву:	By: SEST
Name:	Name: Christopher Goodwin
Title:	Title: Vice President

[Signatures included on following page]

^{*} Please note the original document may include additional signatory pages not relevant to the claim.

Transfer and Assignment

Sherman Originator III LLC ("SOLLC III"), without recourse, to the extent permitted by applicable law, hereby transfers, sells, assigns, conveys, grants and delivers to East Bay Funding, LLC ("East Bay") all of its right, title and interest in and to the receivables and other assets (the "Assets") identified on Exhibit A, in the Receivable File dated November 08, 2011 delivered by LSF5 B-Line Investments, LLC; B-Line, LLC; Roundup Funding, LLC; CR Evergreen, LLC; CR Evergreen II, LLC; Get Real Holdings, LLC; Avalon Financial Services, LLC; B-Real, LLC, By: B-LINE, LLC, its Manager on November 08, 2011 for purchase by SOLLC III on November 08, 2011. The transfer of the Assets included electronically stored business records.

Dated: November 08, 2011

Sherman Originator III LLC

a Delaware Limited Liability Company

Bv:

ne: Jon Mazzo

Exhibit A

Receivables File

11.08.11

Transfer Group

Portfolio

Transfer Batch

209424

17099

N/A

WAIVER OF NOTICE OF TRANSFER OF CLAIM

B-Line, LLC, a Washington limited liability company ("Transferor"), has sold and assigned certain claims to Sherman Originator III LLC, a Delaware limited liability company ("Transferee") pursuant to an Asset Purchase Agreement, dated September 23, 2011, as amended from time to time. Transferee is a limited liability company organized under the laws of the State of Delaware maintaining a place of business at 200 Meeting Street, Suite 206, Charleston, S.C. Said claims arise from consumer credit accounts (the "Accounts") issued to individuals who have filed petitions commencing cases under that U.S. Bankruptcy Code.

Transferor consents to the attachment of a copy of this Waiver of Notice of Transfer of Claim to a Notice of Transfer of Claim filed by Transferee or its agent pursuant to Federal Rule of Bankruptcy Procedure 3001(e)(2). Transferor specifically waives the right to receive notice of and object to the filing of the Notice of Transfer of Claim. Transferor requests that Transferee or Transferee's designated assignee are substituted for Transferor immediately upon the filing of the Notice of Transfer of Claim. A copy of this Waiver shall have the same force and effect as the original.

IN WITNESS WHEREOF, Transferor has executed this Waiver under its corporate seal by and through its duly authorized officer this day of November, 2011. B-LINE, LLC By: Name: Kyle Volluz Title: Manager STATE OF COUNTY OF DAVAS 2011, the foregoing instrument was acknowledged day of State of the by and for notary public. personally known me, acknowledged that they executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal. Notary Public RACHEL PARISH COMMISSION EXPIRES

April 23, 2012

Exhibit A

TERM AGREEMENT

This Term Agreement is dated as of July 24, 2008 by and between NCO Portfolio Management, Inc., Inovision Medelr Portfolio Group, LLC and their subsidiaries (collectively "Seller"), and B-Line, L.L.C. ("Buyer").

Pursuant to the Bankruptcy Receivable Purchase Agreement dated as of August 10th, 2006, between the parties hereto (the "Agreement"), Seller hereby agrees to transfer to Buyer, on the Closing Date, all right, title and interest in the Accounts or receivables arising therefrom described below. With respect to these Accounts, the terms below will have the following meanings:

Accounts: Attached hereto as Schedule 1, and incorporated herein by reference.

Closing Date:

July 24, 2008

Number of Accounts:

18,483

Aggregate Unpaid Balance:

\$31,915,429.44

Purchase Price Payment:

\$17,364.15

With respect to the Accounts described herein, all the representations and warranties set forth in the Agreement are hereby incorporated into this Term Agreement as if made again as of the date hereof. Any terms used herein and not otherwise defined will have the meanings set forth in the Agreement.

B-Line, LLC

NCO PORTFOLIO MANAGEMENT, INC., INOVISION MEDCLR PORTFOLIO

GROUP, LLC, AND THEIR

SUBSIDIARIES

By: _____ Name: Dhar Sandhu

Title: Vice President

Name: Gail Susan Ball Title: Vice President